

DELEGATE ULRICH: I notice through the record that you did vote for consumer protection. You also passed on the natural resources, I gather you are quite inconsistent.

DELEGATE J. CLARK (presiding): Delegate Dukes.

DELEGATE DUKES: I did not pass on natural resources. I was not here on the day of natural resources. Had I been here on the day of natural resources I would have voted against it. I voted in favor of consumer protection because natural resources had passed and I thought if we are going to conserve the trees of this State I think we ought to conserve the people. If I were consistent on this point I would agree with you. That is the very item I was talking about a few minutes ago.

DELEGATE J. CLARK (presiding): The Chair recognizes Delegate Weidemeyer.

DELEGATE WEIDEMEYER: Mr. Dukes, isn't it true that in 1867 when the prohibition against lottery grants was put into the Constitution, at that time we did not have Article 16, referendum provision on acts of the legislature, and that the referendum provisions were not put in except as when they were added by Chapter 673 by acts of 1914 ratified to November 2, 1915?

DELEGATE J. CLARK (presiding): Delegate Dukes.

DELEGATE DUKES: Delegate Weidemeyer. I do not know the answer to that, but since you are on my side I am going to assume the answer is yes.

DELEGATE J. CLARK (presiding): Delegate Weidemeyer.

DELEGATE WEIDEMEYER: And if the legislature in the old days abused its privilege and the people did not have the right of referendum until 1915, then there might have been some reason for putting in prohibition at that time, isn't it true?

DELEGATE J. CLARK (presiding): Delegate Dukes.

DELEGATE DUKES: I would concur with that observation.

DELEGATE J. CLARK (presiding): The Chair recognizes Delegate Armor.

DELEGATE ARMOR: Delegate Dukes, your clippings were effective in showing one side of the picture, would you happen to have a couple of little clippings maybe that would tell us something about the

lottery in New York State, the recently instituted lottery where the revenue estimates have fallen flat on their face and therefore they are not raising the money and their budget is slightly out of balance by some millions of dollars?

DELEGATE J. CLARK (presiding): Delegate Dukes.

DELEGATE DUKES: I do not have any such little clippings. If you would have them I would be happy to read them. All I recall about New York was that Mr. Clarence Miles, who I believe is still in the gallery, appeared before our Committee at the hearing on lottery. Mr. Miles is the Chairman of the Governor's Commission on Gambling, I do not know the name, but essentially it is a body that is studying this problem at this time. He discussed with us New Hampshire, he discussed with us New York. He advised that during the first month the lottery in New York collected about \$5 million. I think he also told us that a \$10 ticket was only sold in banks and savings and New York and everyone in New York thought that was silly and that they were going to reconstruct the lottery as to the same kind of thing that Mr. Landau was talking about in Israel.

It was his opinion that this matter should not be treated in the constitution and it was his testimony before our Committee that it should be left out of the constitution.

DELEGATE J. CLARK (presiding): The Chair recognizes Delegate Koss.

DELEGATE KOSS: Delegate Dukes, in your acquiescence with Delegate Weidemeyer's statement, would it not also be true though that if this ban were eliminated and the General Assembly did see fit to enact a state lottery because it were a revenue measure it would not be subject to referendum?

DELEGATE J. CLARK (presiding): Delegate Dukes.

DELEGATE DUKES: Judge Sherbow said in his testimony that it was not a tax. The whole theory of concern with the local governments was that this particular matter would be possible within their power until it was restricted because it was not a revenue matter.

DELEGATE J. CLARK (presiding): Delegate Sherbow.

DELEGATE SHERBOW: What I said was that if the political subdivisions were involved, they could provide because where